

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

June 22, 2016

Chairman Frank Aieta called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Frank Aieta
Commissioner Chris Miner
Commissioner Domenic Pane
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner Michael Camillo-A
Commissioner Paul Giangrave-A

Commissioners Absent

Commissioner Brian Andrzejewski
Commissioner Robert Serra
Commissioner John Bottalico-A

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Commissioner Andrzejewski and Commissioner Giangrave was seated for Commissioner Serra.

III. APPROVAL OF AGENDA

No Changes

IV. PUBLIC PARTICIPATION (for items not listed on the agenda, speakers limited to two minutes.)

John Bachand, 56 Maple Hill Avenue: I don't know if it is on the agenda or not, but I wanted to bring up the Alumni Road realignment question. As I mentioned before, I am invested in this in the way that my property is directly impacted in the original DOT based plans. The transition started right in my front yard and actually had my driveway shifting over quite a bit. My daughter actually works at the skating center so I am invested in this. Some people think I'm invested officially in this because I have been defending the plans, but I just want to suggest that maybe a little more information get out there, because there seems to be some confusion over, you know, it was stated that it's about safety, safety, safety, and that is fine, but some people think that was focused strictly on that one intersection, and I argue, and I hope that I'm not out of bounds that it was safety for the whole route between, all along Cedar Street and Willard, between the two ends of Alumni.

I think that could be gotten out there a little bit better. Also, this notion that opening Alumni somehow opens development, as far as I can tell, that twenty acre parcel that is there behind the old Fafner is bisected by that gate, and I see no reason why someone couldn't develop that if they wanted to. In other words, I don't think development is dependent on that gate being open. You might want to get that out there too.

There is one other parcel, east of the old Atlantic Machine, that one is closer to me, I mean, I can almost see it out my window, I'm not too thrilled about that, right in my front yard. But again, it does front on Cedar Street so I'm not sure that they need that new piece of Maple Hill to develop that anyway. You might want to make those points clear because I think there could be some improvement on that notification or education if you will.

Chairman Aieta: That piece that you are talking about, that commercial piece on Cedar Street that would be abutting up against the new road, that would be tougher requirements under residential/commercial buffering. If something happened and they developed that piece, we would be concerned about how they buffered it, berms, arborvitae, to make sure that they are blocking it.

John Bachand: But maybe you could confirm, or put to rest that is not dependent on that road going in, that they own land on Cedar Street.

Chairman Aieta: They have a piece of property that I don't think they would be denied a curb cut on Cedar Street, if they did, the State would have to buy the piece of property, because they would be rendering it unusable. I'm sure the company that bought the property has done their research as to whether they can build or not, whether they have access to Cedar Street.

Gail Budrejko, 28 Isabelle Terr: Actually there was an article in the paper today that I would like an explanation for. It's regarding the housing moratorium in Farmington where the town is exempt from affordable housing for four years. "For the next four years Farmington will be exempt from the state statute requiring ten percent of housing considered affordable. The State Department of Housing granted the town the moratorium on affordable housing under State Statute 8-30G. The Zoning Commission says that the moratorium will allow town officials breathing room to re-evaluate town regulations and develop plans that how best to reach the state's requirement but not diminishing resident wishes for the town's character. It's about being pro-active and doing it the right way, things that work for the community. The Town Manager further went on to say, that this moratorium protects the Town of Farmington, it gives us a better opportunity to plan for affordable housing needs."

Including Farmington, several moratoriums have been granted to Connecticut municipalities. Three other towns currently have moratoriums that are active, Berlin, Ridgefield and Wilton. I guess my question is, how can towns like Farmington, Berlin, Ridgefield, Wilton with significantly more open space than us, significantly more land considered developable, significantly less dense, and with higher average incomes get a blessing from the State for four years to allow the town, to have their breathing room to develop resident wishes for town character which allows the town to find things that work for the Community. Again, I find it hard to understand how the state can give four years for that when we have been told, are always under the threat of having the State invoke the statute for us. Newington has very little land left for development, our location, between two urban areas along with the busway are significantly at risk for poorly planned and ill conceived development projects based on either a state agenda or a developer dollars. Poorly planned projects can impact our community a lot more than a project in Farmington or Wilton or Berlin. I guess I'm just kind of questioning why Newington is continually at risk for invoking the statute if a project comes along that is denied by the TPZ but can be at risk from the state while other towns are not.

Chairman Aieta: I'll let the Planner answer.

Craig Minor: As some people know, but not everybody, I think the Commission knows, there is a law in Connecticut, it's been on the books for almost twenty years now, and it's referred to by the Section of the Statutes where it is, 8-30. Under that law, any town that doesn't have ten percent of its housing stock affordable, and you could spend a year discussing what affordable means, any town that does not have ten percent of its housing stock affordable is at risk for a developer coming in proposing an affordable housing project, and again, what's affordable is very complicated, but again, the developer comes in with an affordable housing project, unless there is some really, really strong physical reason why, it's a multi-family development and there is no city sewer in that neighborhood, or it's a thousand unit development on a little twisty, windy country road, the town has to accept it. The town has to, the burden is on the Planning and Zoning Commission as to why the project should be denied, and you can't simply use, well, our regs allow twenty units per acre, and this is proposed thirty unit per acre. It's got to be a really objective reason why the project is denied, and if the Planning and Zoning Commission denies a project and the developer appeals it to the court, ninety-nine times out of one hundred, he'll win, unless the town used a reason like there are no sewers or no streets. Now, that is the basic rule. If a town is really close to it's ten percent, and I don't know the number because we are no where near, so I haven't figured it out for Newington.....

Gail Budrejko: I looked it up, I think we are at eight percent.

Craig Minor: Right, but if the town is, and it's a complicated combination of factors. If a town is close to it's number and also has a certain absolute amount, and the town name ends in a vowel, I mean, it's a really complicated formula, then the town can apply to the state for immunity from that law. They call it a moratorium, but think of it as immunity from that affordable housing law, and Farmington apparently has all the right factors to be eligible for immunity and they have applied for it, but Newington, last time I checked, Newington is not close to being eligible for this immunity.

Gail Budrejko: Well, Farmington has 7 point something percent and Newington has eight percent, but I'm looking at Berlin, it just doesn't seem right.

Craig Minor: I can find out what the exact criteria is to be eligible for this immunity, I can find out.

Gail Budrejko: And again, because our land is so valuable, we are so dense, there is a possibility of again, because of the busway, because of our location, a developer can come in and you can say in your wisdom would say, no it's not right or the community, but yet they can go to the State to get their way. Four years is a long time. Thank you.

Chairman Aieta: When you say eight percent in the Town of Newington, that's up for debate too. Our housing stock in parts of this town are post war housing, they are small houses, the prices, depending on where the pricing falls, I think we are closer to ten percent than people really realize because of the housing stock that we have.

Manuel Martins, 32 Juniper St: This is my complaint. Do you want to see the papers? I have everything here in the papers.

Chairman Aieta: Why don't you explain what your complaint is.

Manuel Martins: This is relating to a parking problem, from this company, from Dunn-Rite. He has all kinds of ladders, everything, he doesn't follow the rules, even this comes from John Salomone, he's a big liar, and this Art Hanke, is another big one. I have been dealing with this guy for years. I have all of the paper work here see if you guys can do something on this case.

Chairman Aieta: Why don't you explain exactly what your complaint is.

Manual Martins: The complaint is, the truck is legal, there is a new rule in town now, I have all of the paperwork. My complaint, the truck says Dunn-Rite Construction, everything. My complaint for years, from John Salamone, Art Hanke,.....

Chairman Aieta: Stick with the facts, so that we can make a determination whether there is something here that we can do, or not.

Manual Martins: Okay, my complaint.....

Chairman Aieta: You are saying that there is a truck parked in the neighbor's yard. Where is the truck parked? Is it parked in the front of the house?

Manual Martins: No, he parks on the side. On the, I have it right here, he agreed to move the truck to the other side. Never did. I have papers right here. I went to Tanya, I went to Michael Morgan, I've been to Mike D'Amato, and this is what I got, the results, they aren't following the rules, and I hope you guys do something about this.

Chairman Aieta: Well, we need more information from you. You are telling me that the neighbor who has the truck, is parking the truck on the side of the house. The regulations as they stand today, as long as it is not in the front yard, I'll turn it over to the Planner for the exact wording. There was a change in the regulations for what we allow.

Craig Minor: It's a whole page, so I'm going to start reading. This is, Accessory uses Permitted in Residential Zones: "A commercial vehicle customarily used by the resident for transportation is permitted for each dwelling unit. Such vehicle may be parked on the lot, but shall not be parked in the front yard or in the street right of way." So apparently the situation is that your neighbor has a commercial vehicle and he's parking it on the side of the property. So that is allowed.

Manual Martins: What?

Craig Minor: That is allowed. He is allowed to have a commercial vehicle.

Manual Martins: This is owned by Dunn-Rite Construction.

Craig Minor: I don't know about that, but I know that there is a rule here, a commercial vehicle customarily used by the resident for transportation is permitted, but it has to be parked on the side of the property. So that is why he is allowed, he is allowed to do it.

Manual Martins: He is allowed to do it. He has to follow the rule, right there.

Craig Minor: I'm sorry, what rule is that, sir?

Manual Martins: This right here.

Craig Minor: This is from June, 2013. The rules are different now.

Chairman Aieta: How long have you been complaining?

Manual Martins: For years.

Craig Minor: And that is one of the reasons that we changed the regulation. When Mr. Martins started complaining, we realized that we couldn't enforce the regulation, it was too vague. So we revised the regulations to be very clear as to what is allowable, and what your neighbor is doing is allowable under the regulations.

Manual Martins: Okay, why is he not following these rules?

Craig Minor: I don't know what you mean.

Manual Martins: He said he was going to park on the other side, the driveway, he never did it.

Craig Minor: Well, if he is not parking on the side, then we will enforce that. If he is parking in front of his house, he is not allowed to do that.

Manual Martins: I have everything here, I pay so much taxes for these people, and everybody sweeps the dirt under the rug. Somebody do something about these people.

Commissioner Pane: I think it would be best, it's hard to figure everything out without all of the information that you have in front of you, so what I would like to suggest to the Chairman and the Commission members is, if you could leave that paperwork with the Town Planner so that the Town Planner can make copies of it for all of us, so that we could see the history of it, and then we can drive over there, take a look at it, and then we can respond back to you at our next meeting.

Chairman Aieta: Give that whole package to the Town Planner. He will get it to us between now and the next meeting we will go out to your property and take a look as individual Commissioners and then we will bring it back here. At first blush, it looks like he's within the regulations as they stand today, if he is parking the truck on the side of his property.

Manual Martins: I don't think so, there's not enough property for that. Another thing, I talked to Tanya, about a complaint on Juniper, traffic like crazy this time of year from the golf course. Now some very intelligent man, who lives in Wethersfield somewhere, he thinks he owns the place, he blocks the street so that way, all the traffic comes to Juniper. I talked with Tanya, nothing has been done.

Chairman Aieta: Your complaint should have gone to the Police Department. They are the traffic control.....

Manual Martins: Yes, traffic is like crazy.

Chairman Aieta: They are the traffic authorities for the Town of Newington, the Police Department. That does not come under our purview as a Zoning Commission, you would have to bring that to the Police Department to the Chief or to the Traffic Supervisor, Lt. Morgan.

Manual Martins: Whatever you want me to do.

Chairman Aieta: You would have to bring it to them, we don't have the authority to regulate traffic movement.

Manual Martins: I will set up a meeting with Tanya and Mike Morgan, whatever.....

Chairman Aieta: That's your prerogative, what ever you want to do. It's up to you. The traffic authority for the Town of Newington is the Police Department so I would, you have what sounds like a traffic problem, you should address it to Lt. Morgan who is the officer who works for the Police Department that regulates traffic.

Manual Martins: I don't have a problem with that.

Chairman Aieta: We will try to come up with some answers for you, but leave that paperwork with the Planner and we will, our next meeting is July 13th.

V. REMARKS BY COMMISSIONERS

None

VI. PUBLIC HEARING

A. Petition 06-16: Zoning Text Amendment; (Section 5-9) TPZ applicant/contact. Continued from June 8, 2016

Craig Minor: This was kept open from the last meeting because Commissioner Pane had a question about the buffering and then the steep slope development regulations. I prepared a memo for the agenda package, it's three pages long so I am not going to read it, but that was the only item, so if the Commission wants to discuss that we can, or anything else about the amendment.

Chairman Aieta: And those were the changes to the buffering requirement?

Craig Minor: I don't think we changed anything with the buffer. We talked about how much credit the developer can take for steep slopes.....

Chairman Aieta: For what, when you are trying to calculate what? Does this pertain to the Cedar Mountain ridgeline setback?

Craig Minor: No.

Any site plan, the first change, as we go down the changes here, the first change that involves buffering or steep slopes is the regulation that defines when a site plan needs to come to TPZ for approval. Currently the rule is that if an owner of a piece of property wants to modify his site, needs to come to the Commission for approval of a site plan modification if it alters the site's parking lot, landscaped areas, for green space, and that is all. So what I am suggesting is that we change it to say that if the change alters the site's parking lot, green space or landscaping, or increases the amount of buffering required, then it would have to come before TPZ for approval.

Then, under 6.10, green space landscape and buffer requirements, currently.....

Chairman Aieta: These changes or restrictions to this are to determine density requirements.

Craig Minor: Well, it's a bunch of different things and they are all different, so let's go to 6.10. Okay, Section 6.10 which is the section of the regulations that talks about minimum green space, town wide, and then it gets specific. Currently the regulations, as far as minimum landscaped area, read as you can see, so we are changing some of the words just to clarify that, for example, a minimum landscaped area of at least ten percent shall be there. And that you can't take credit for the required side yard, because that is what it says elsewhere in that regulation. It just clarifies the existing rule, so that is 6.10.1.

Section 6.10.4, modifies it to make it crystal clear that no development in the front yard on the Berlin Turnpike is allowed. So what I have done in paragraph B is to delete a bunch of words which just caused a lot of questions, and replaced it with one simple sentence, No Accessory structures above ground utilities, or pavement shall be placed in the thirty-five foot minimum front yard, in other words, in the front of the property along the Berlin Turnpike.

Now the next section, 6.10.5 which talks about buffers, this regulation says, where buffer areas are required elsewhere in this regulation, the following standards shall be met; and I just added the word "buffer" in paragraph A, deleted the words, "a minimum" because the word wasn't necessary, it was just a word that could cause confusion. Paragraph C was deleted because it was one of the waiver situations that the Commission does not have the ability to do. So we aren't really changing any of the buffer requirements.

Now there was one, there was a section that talked about, it must have been earlier in the regs, where the amount of steep slopes that a development has cannot count towards the amount of land that the developer has to work with. But that must have been in Sections 1-4 because I am not seeing it here, so that must have been in the first half of the regulations that we already had the public hearing on.

So that is really it as far as buffers and setbacks are concerned in these changes. If anyone else has any questions?

Commissioner Sobieski: You are saying setbacks on the Berlin Turnpike include underground utilities, what happens where the phone company say run their lines down the side. I didn't see that in here, but I heard you say that.

Craig Minor: Well, we are not prohibiting underground, we are only prohibiting above utilities, so any thing underground.....

Commissioner Sobieski: But the transformers would be above ground.

Craig Minor: Yes, that would be a problem. May have to find a way to put a bend in the utility so that the cabinet would be out of the setback area.

Commissioner Sobieski: I'm just saying, a utility runs down the side of the road, you come up, and there are a lot of transformer boxes, now if you are saying, those can't be put in there, what's going to happen.

Chairman Aieta: We're not talking about the right of way, but they would have to be on the DOT right of way, not on private property. It wouldn't be on private property anyway, the transmission lines are not on private property.

Commissioner Miner: This is specific to the Berlin Turnpike.

Craig Minor: It would have to be behind the setback line.

Chairman Aieta: You have your right of way, and then you have your thirty-five feet, so in some areas it looks like they have, because the right of way is so large on the Berlin Turnpike, it could be eighty feet of green space in the front of a building. We are only concerned with the thirty-five feet that is on the person's private property.

Craig Minor: That's all I have.

Chairman Aieta: This will finish this part of the regulations. We have the interior lots, we have signage, we have the auto regulations that will be taken up separately. This would end, if there are no questions.....if anyone is in favor of this application please come forward.

John Bachand, 56 Maple Hill Avenue: I just wanted to make a last effort regarding that structure definition, and I'm sorry I can't read it to you, but you all know it by now. I just think, and I understand the reasoning for it, besides making the ZEO the most powerful person in town, you are actually make all existing properties non-conforming I think. I didn't research what the definition of structure is, but many town use boards consider fencing, flag poles, all of that stuff, they actually count that as a structure, so I think there has to be a separate, I'm concerned what goes in the setbacks, front yard and side yards, obviously now, if someone saw a structure in the setback, it's pretty clear that can't be, put another house or garage in the front yard, but I think this is so all encompassing, this definition, I'm just a little concerned about that.

Chairman Aieta: Do you want to read your letter into the record?

John Bachand: I don't need to, I'm just trying to communicate with you. But what I'm saying is, I think I have a legitimate concern, unless I'm missing something I just think that there has to be some technical language to explain the intent a little better, or to specify what should, what kind of structures should be expected in the setbacks, whatever.....

Craig Minor: He has a good point, let me, the table, in the table of setbacks, the schedule of height, area and yard requirements, it talks about buildings, no building shall, no building shall, so that's great, but there is a section, to your point, actually the very beginning of the section, Section 4.1 says, all uses, buildings, or structures erected or altered shall conform to the following minimum height, yard area requirements, so your point is well taken. What I would suggest we do is, it currently says, all uses, buildings or structures, erected or altered shall conform to the following table. I think we should change it to all uses, buildings, or applicable structures, because then a fence obviously wouldn't apply, a mail box obviously wouldn't apply, and that would put something of a check on the ZEO as you were saying, where the ZEO would first have to find that the structure that he is trying to tell the homeowner is violating the setback rules, well, it wouldn't be any structure, it would be structures that would be applicable in the context of whatever it is he is trying to enforce.

John Bachand: I didn't even realize that structure is even in that table.....

Craig Minor: It's not in the table, but it's in the paragraph that starts this whole section.

John Bachand: Well right there I think you would have to strike that out.

Craig Minor: Well no, that's why I'm saying.....

John Bachand: Or whatever you are saying. Some towns consider a patio a structure, a driveway is not a structure, but a patio is, it's all over the place.

Craig Minor: So I think if we use the word appropriate, all uses, buildings or appropriate structures, maybe keep it open another couple of weeks so I can find the right word.

Chairman Aieta: We have to define the structure thing, it's more than a building, but it's less than a flagpole. I mean we have to have an interpretation that is cut and dried. We just can't leave it up to having people coming in and arguing the fact, is this a structure or not. It's got to be clear in the regulations, whether it is or is not.

John Bachand: I would like to have you come up with some better language and I think that everyone would be more comfortable.

Commissioner Miner: If you have some language that you think is more fitting, by all means....

John Bachand: Oh, it's all over the place. I'll leave it to the Planner to come up with....

Commissioner Miner: I think that is what the issue is, it's just so vague that you are trying to narrow it down, but you don't want to be too narrow. So I think it's going to be nearly impossible to find a definition that would be acceptable to every situation.

Craig Minor: Right, which is why I don't think we should change the definition that I am proposing, but I do think we should use the word structure judiciously in the regulations.

Commissioner Pane: Maybe when the Town Planner is modifying that and he finds the appropriate word for it, he could also put in there examples of things that are not structures such as the mail box, fence, so some of those things, that might help.

John Bachand: Or specify exactly what you are trying to target, like I know one of the things such as the solar panel frames, it could be another thing to list the things that you are targeting too.

Commissioner Sobieski moved to keep Petition 06-16 open until the next meeting. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YEA.

B. Petition 22-16: Special Permit (Section 3.15.3: Restaurant) at 2551 Berlin Turnpike (The Sloppy Waffle) The Sloppy Waffle applicant; 2551 Berlin Turnpike LLC, owner Luz Ramos, 164 Eddy Lane, Newington CT, contact. Continued from June 8, 2016.

Luz Ramos: My name is Luz Ramos.

Chairman Aieta: Do the Commissioners have any questions or concerns that they want to bring up at this point?

Craig Minor: One of the reasons that we kept the hearing open was because the Commission was concerned about the amount of parking and the applicant, just a few minutes ago submitted a letter from the owner, and I'll read it into the record: "I, Joe Cody, as owner of 2551 Berlin Turnpike plan to re-stripe my parking lot at 2551 Berlin Turnpike according to the approved site plan by September of this year, 2016. If you have any questions or concerns feel free to contact me regarding this matter."

So includes the spots in front of the warehouse which currently are not striped, right now it's just blacktop, so by agreeing to re-stripe the parking lot per the plan that you are looking at there, that will create, or at least define an additional four or five spaces that are currently in a no man's land.

Commissioner Pane: Even farther down, all the way down on that side.

Craig Minor: They faded?

Commissioner Pane: They're not there, nothing is on that side.

Commissioner Minor: the confusion was, in the rear of the property there is an area that was expanded. I believe that is where you park your truck and there is a sign, additional parking. Just a suggestion might be to put your employees back there because I went in, just to experience the facility, and I parked in behind the building. That worked great up until the guy came into the legitimate parking space behind me, and parked and went to go eat breakfast, so I came out, I couldn't go anywhere because there was somebody in front of me. That would be the only thing, put your employees back there.

Luz Ramos: That is one of the things that we have been talking about, but I think those other spaces have faded, I really don't know.

Chairman Aieta: From this it looks like there is parking in front of the overhead doors?

Craig Minor: Yes. Right.

Chairman Aieta: Is that normal?

Craig Minor: Well, that is how the plan was approved. As you can see, there are three, four, five, six spaces in front.

Chairman Aieta: It shows on the plan, but we waived twelve parking spaces, specifically because of the parking.....

Craig Minor: Which is probably why the Commission did want these spaces shown in front of the warehouse...

Chairman Aieta: Are they legitimate, useable, functional parking spaces if there is a warehouse with doors there? It doesn't seem to me to be applicable to use those as part of the parking count, if someone is expecting deliveries there, and you have cars parked there.

Craig Minor: I think that the applicant said that the gentleman that operates the warehouse section of the building is not there on weekends and that, we should probably formalize that, I know that she said he was not there on weekends, but if that could be made part of the record, that if in fact he does not occupy that space on the weekends.

Chairman Aieta: What if that particular tenant changes hands and someone else uses it as a warehouse operation and they are there at different hours?

Craig Minor: I think that is a concern that the landlord better keep in mind before he goes and rents that space to someone that does in fact use it on a regular basis. That is a limitation that the owner, the landlord is taking on, accepting responsibility for.

Commissioner Miner: It appears that her busiest hours are the off-peak hours for the warehouse and the other tenants that are upstairs. Saturday and Sunday are busy, but going by during the week, generally speaking, I think it is not as crowded. There is reasonable parking. The weekends are busy.

Chairman Aieta: I'm just concerned with the number of parking places, because we are taking the restaurant and a piece of property that we waived twelve parking spaces because of the warehouse. Since that time, the Sloppy Waffle came in and took over 800 and something square feet for the restaurant and we also allowed them to put in an outside patio for that area. Now they have come and they have increased the size of the interior, they are looking for an increase of probably over 130 percent, going from eight something to twenty-two, what is it, 2300, 2400?

Luz Rivera: No, it's, no the public space is only 1000 feet. The 800 that you are mentioning is the whole space, but half of that was really public space.

Chairman Aieta: Just for the record, the existing space that you have there now, is how many square feet. The public space.

Luz Rivera: Public space, 1,030.

Chairman Aieta: That is the existing, the original portion of the property?

Craig Minor: Proposed.

Chairman Aieta: How much was it before?

Luz Rivera: To be honest, I don't have that.....

Commissioner Miner: Probably about 400, it was very small.

Luz Rivera: It was a very, very tiny space.

Chairman Aieta: With 400 square feet we had X amount of parking. We're not increasing the parking, but we are increasing the public space by over one hundred and something percent. You have a parking problem before you even expand on some portions when you are doing business, and you have not increased the parking on the facility.

Craig Minor: Well yes, she has, in a sense she has because she is taking over the space that was occupied by that gift shop before.

Chairman Aieta: Okay, then what is the difference in the parking.

Craig Minor: It's comparable. The gift shop used to require, I don't have that number in front of me, but it.....

Commissioner Pane: Six to eight spaces for that gift shop.

Craig Minor: She is only using roughly half of the room that she is taking for public space. It's the public space that generates the requirements for parking. It's almost a wash.

Commissioner Pane: Did the applicant state how many tables she has inside?

Luz Rivera: Yes, twenty-six tables.

Commissioner Pane: Are those all four per table, or some two tables....

Luz Rivera: No, because of the smaller spaces we have two tops, some are four, some are three.

Chairman Aieta: We just want to clarify, we don't want, we're doing this for your protection too. You have a business you want to thrive, and if you double the size and you get people who don't have anywhere to park, and they start parking on the medium, or at the hotel next door, and you start getting into problems with the neighbors, it's not going to be good for your business. Particularly in the restaurant business, these people want to be able to drive in and have a relatively easy spot to park. They are not going to park so far away that they have to walk too far, because they won't.

Luz Rivera: I can't speak for them, but the arrangement with the building as it stands, because of our hours, and the other tenant's hours, it just works.

Commissioner Miner: I think the biggest thing is that they have a relatively quick turn, this is not jamming up the parking lot with people who are looking to park, from experience it's a relatively quick turn and you are able to go in and get out. As I say, the only thing that I would recommend or say that any employee or anybody that you can possibly get to the back, get them to the back, and I think you would be better served and to have your customers have the ability to park, and be clearer as to where they can park. Those No Parking signs, and that was something I was looking at, it says, No Parking, and then right next to that, parking on Saturday/Sunday. There should be some clarity.

Commissioner Pane: I agree with Commissioner Miner's take on that, and the only other thing I would add is that the owner of the property should be notified after we make a decision on this so that he understands that depending who he leases to, he might not be able to lease to certain businesses because there is such a restriction on the parking, so he should be notified in advance that it's a tight situation for parking and should consult with the Town Planner before, if a space becomes vacant. Other than that, I think it is nice that we have the owner of the building to stripe those parking spaces, and there isn't anything else I think we should close this and move it.....

Chairman Aieta: For the next meeting we should talk about the availability of parking in the front of the building, and we were concerned about you using your truck as a billboard in the front of the building. We would like to see you park that truck in the back of the building, not in the prime parking spaces, not only for your business, but the other tenants in the building. We have a regulation that we are trying to enforce a regulation, particularly on the Berlin Turnpike where you can no longer keep trucks that are being used as signage, billboards, that probably if this was to pass, that one of the conditions would be that you park your truck in the back of the building and not the front of the building.

Craig Minor: I discussed this with the applicant last week, and we went over the regulations, and although the rule is that you can't use a truck to circumvent the sign regs, there is no rule against a truck having the name of the business on the side, if it is not for the purpose of circumventing the sign regulations.

Commissioner Pane: We don't usually have delivery and service trucks parked in the front of the building. Delivery and service trucks are parked in the rear of the building. Now we're

not saying that she can't use the truck, we're not saying that. She can use the truck for her business, all we are saying is, in the past she has used that truck as a billboard and we want to make sure that there is not that intent again in the future. So it must be parked in the back of the building.

Craig Minor: Well it certainly functions as a billboard when it is parked in a parking space, people drive by, they see it. I mean, it is what it is. But it is also a truck that they use regularly to go back and forth to events that they cater, it's a working vehicle.

Commissioner Pane: We are not denying her the use of the vehicle. She has two vehicles, they are both parked in the rear of the building right now. One she takes out and it goes to a catering job, correct?

Luz Rivera: One actually does the catering and the other is actually a mobile kitchen.

Commissioner Pane: So, we are not denying her the use of the vehicles. All we are asking, and I think it is reasonable, is try not to park it in the parking space in the front of the building. I think that is reasonable.

Commissioner Miner: Again, back to the issue that brought us to this whole thing, parking is tight in there, and to use one of your own vehicles to eliminate a customer's parking spot goes against what you should be doing if you want to keep customer's in. With that said, if there are issues with it being used for anything other than what it is being used for, that's a different story. The issue that originally brought this up is parking, or the lack thereof. So that is just one more parking space that is available, or not available.

Craig Minor: How about if the requirement was that it be parked in back during peak hours?

Commissioner Pane: There is no reason to have it parked in the front of the building. If she is using the truck, she would take it off the property, and use it, if she had to make the delivery, she would make the delivery, if she had to park it in front just to make a delivery then she would move it to the back. She has a very tight area for parking, I don't see that we are being unreasonable. Why, as Commissioner Miner said, we are very limited on parking spaces, so we want to make sure that there are parking spaces for all the customers. What I'm saying is that there is a rule against it when the customer or the owner is using it as a billboard, and if they move the truck to the front parking space on a regular basis, everyday, and then at the end of the day, they move it back, the business is using it as a billboard.

Craig Minor: But it's also a truck that they use for catering events.

Chairman Aieta: We're not telling them that they, don't argue that point, because we have done this before, we've made it a policy, we've stopped people in the past, we've had the ZEO stop people from doing the same thing that she is doing with this truck, and we had them removed. Any other questions? Anyone from the public wishing to speak in favor of this application. Any one in opposition to this application.

Commissioner Pane: I move to close the Public Hearing for Petition 22-16.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Pane: It automatically goes to Old Business once it is closed, right?

Craig Minor: You have an option, if you feel that you really want to discuss what you have heard through the hearing process, then it might make sense to leave it under New Business so that you are sending a message that you do intend to talk about it some more among yourselves, but if you think it is ready for just a vote, then Old Business would be the appropriate place to put it.

Commissioner Pane: I make a motion that we move Petition 22-16 to New Business for the next meeting.

The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

C. Petition 19-16: Zoning Text Amendment (Section 3.49 and 6.7: Interior Lots.) Town Plan and Zoning Commission, applicant.

Craig Minor: The Commission realized some time ago that the Town of Newington used to allow interior lots, but then that was deleted from the regulations a number of years ago, so the Commission wanted to go back to what we used to allow, Interior Lots, rear lots, the words are used interchangeably, there is probably technically a difference, but we all tend to use the terms interchangeably. This is the regulation that has been proposed.

- A. No lot shall be subdivided into more than two (2) interior lots.
- B. Each interior lot shall have at least 1.5 times the minimum lot size required for that zone.
- C. No portion of the lot between the street and the front line that intersects the accessway shall count toward the minimum lot size.
So in other words, some of these called pork chop lots, or flag pole lots, in other words, the handle of the flag doesn't count towards the area, just the flat itself.
- D. Each interior lot shall have double the minimum front yard setback required for that zone, measured from the lot line that intersects the accessway and is perpendicular to the accessway.
So again think of my flag analogy, the house has to be on the flag but it has to be double the normal setbacks from what it would be if this lot was up on the street.
That's to protect the rear yard privacy of whatever house might be in front of this new lot.

Chairman Aieta: Say that again.

Craig Minor: Okay, again, visualize a flag, and if we use the regular 35 front yard setback rule, then the house could be put on that flag 35 feet from the front of the property which itself is of course many feet back from the street, and there is probably going to be a house in front of it already that has always been there. So if you make the new house, when it gets built, the extra far back, that serves to hopefully guarantee some privacy for the homeowner of the house that is in front of the where the new house is going.

Chairman Aieta: So you are saying it is going to be eighty feet, seventy feet?

Craig Minor: Yes. Seventy, right. This is to make it more restrictive, so not everybody can have a rear lot, and, like I said, help insure the privacy of the house that is already there in front of where this new house will be. That's just a recommendation, I mean, it doesn't have to be there, but that is my recommendation, but you can certainly use the normal setbacks. Thirty five feet is the normal setback. I haven't gone back and found what the rule was before it was deleted. The Chairman says they didn't used to have an oversize setback rule then, but I'm recommending that you consider it.

Commissioner Miner: Unable to understand.

Chairman Aieta: Normally the person who is in the front would probably be the same owner of the property, of the lot that is being subdivided.

Craig Minor: But over time, they could change hands, and over time the owner of the front lot may not have a relationship with the dweller of the rear lot.

Chairman Aieta: But during the time that you are setting up the rear lot, normally the person who is doing it is the property owner in the front, so if I don't know why we would want to double it. It restricts it to the point where maybe there aren't any lots left in the Town of Newington that meet that requirement.

Commissioner Pane: I would rather see a buffer in between there instead of the 35 foot, because if you double it, then like you said, you are making it so that the ones that had rear lots might not even be able to have them. We weren't trying to make it more restrictive, we were just trying to bring it back into the regulations.

Craig Minor: Do you have any idea of what you would like for a buffer?

Commissioner Pane: Well the buffer would be a standard buffer, which would be a couple rows of arborvitae.....

Craig Minor: Oh, okay, you mean a planting buffer.

Commissioner Pane: And then, if the old regulation, and you couldn't find it, but you are assuming it was 35 feet.....

Craig Minor: I didn't look for it, but it probably is 35.

Commissioner Pane: If we could double check that so that we are consistent with the old regulations.

Craig Minor: Okay.

Chairman Aieta: I look at it this way, if I owned a piece of property, I owned a house, and I had enough and it was 900 feet from the front end to the back end, and my house was 35 feet from the street, and I had enough frontage that I could put a right of way, and I have enough area in the back to put another lot, and I wanted to come in for a rear lot subdivision of that property, then why would I need all these restrictions. I'm the one that is living in the house in the front.

Commissioner Miner: Maybe if it changed hands.....

Chairman Aieta: Then the person who would be looking at buying the house, in front or in the rear, should have the option to know and they could go and actually see the situation that exists today, and if they thought the house in the rear was not buffered enough, or too close to the other house, then they probably wouldn't buy. Those are the conditions of the real reality of the world, not something that we decide that maybe it would be a good idea to start...you are making the point where you are almost prohibiting....it was not the intent to prohibit people from doing it, it was to bring it back. Something that people had used in the Town of Newington for years, and then all of a sudden, in 2007 they make a wholesale rape of the regulations and took out auto related uses, rear lots, in-law apartments and stuff that has been in the regulations for years, which at that time they thought it was a good idea, good reasons to do that. I think because they had situations where they had some problems with a couple of things, and their idea of zoning was, if you have a problem, then take it out of the regulations, and that will fix the problem instead of going head on and trying to revise the regulations to make them work better, they wholesale removed a bunch of stuff from the regulations.

Craig Minor: I think what we have done is to bring the regulations back, but we made it a little more restrictive, too restrictive in your opinion, which is fine, but make it a little more restrictive than whatever the rule was back in the day that people thought it was too generous.

Commissioner Pane: We never got a lot of them, the rear lots, we'd get maybe, we'd be lucky if we got one a year, and, but there were a couple of difficult ones I remember in the past, and the Chairman is right, every time something became difficult, their method for correcting it was just to take it out of the regulations instead of trying to find out what was causing the problems. There weren't a lot, but there are some of these rear lots available, and I think it's important to let the residents be allowed to use their property, because when Newington was cut up originally, it was cut up in a fashion where there were a lot of deep lots, and so I think this is something good to put back in the regulations.

Craig Minor: Okay, so we will take out....

Commissioner Sobieski: Do we have an idea, ball park figure of how many lots are really involved? I'm just asking.

Craig Minor: In my report, I said I had the IT department do an estimate of how many, and, I'll just read this. "I asked the GIS Technician Kevin Daley to identify all of the residential lots that are big enough to be subdivided into a front lot and an interior lot, but not so big that they could be subdivided into two front lots. In other words, how many more lots could there be that couldn't already be created. The answer is a maximum of approximately 76. It's probably not even that many, because depending of where the existing house is situated, there might not be anywhere to put a boundary that leaves enough side yard or rear yard around the existing house. So to answer your question, at the most 76, but probably not even that many.

Commissioner Sobieski: I agree with Commissioner Pane and Chairman Aieta, I wouldn't want to make it so restrictive that if there is a lot back there, they can't do something with it.

Chairman Aieta: I think that some of the nicer houses in the Town of Newington are on these rear lots. You go and start looking beyond some of these houses, and you see the driveway and take a ride up the driveway and start looking at the house, the houses are better than the houses that face the street because they are more private, larger houses usually, I can think

of three or four right off the top of my head where a house is probably over built for the neighborhood, because the lot is secluded, and it lends itself to building a better, upgraded house. If the number is 50 or 30 or whatever, all these years, everybody in the town, all the property owners in the town had the opportunity to use this regulation and then all of a sudden, they can't. So the people who held on to their property, and didn't use it, are being restricted by the action of the Commission in the past that probably shouldn't have taken that action.

Commissioner Miner: Since it is so minimal, I think we should allow....

Craig Minor: All right, since that is the consensus, we can remove paragraph D. Going on,

- E. Each interior lot shall comply with all other setback and building requirements for the zone in which it is located;
- F. Each interior lot shall have an accessway that has a continuous width of at least 20 feet, is owned in fee simple by the owner of the interior lot, and has frontage on a Town street;
- G. The driveway pavement width shall not be less than 10 feet, and the driveway shall not be closer than 5 feet from an adjoining property line;
- H. The base for any driveway longer than 500 feet shall be at least 20 feet wide, and shall be capable of supporting the weight of Newington fire apparatus;
- I. Any driveway longer than 500 feet shall be reviewed by the Newington Fire Marshal. The Fire Marshal's comments shall be submitted with the application. Access to any new structure shall meet all of the requirements of the Connecticut Fire Prevention Code: NFPA-1 Chapter 18 Fire Department Access, Sections 18.1 and 18.2;
- J. No two interior lots shall have frontage on the same street any closer to each other than the minimum lot width for that zone, except that two contiguous interior lots maybe approved sharing a common driveway, and the application for such interior lots shall include an Agreement specifying that the owners of said driveway will share responsibility for its maintenance;
So what this means is, as you are driving down the street, you won't have to see two driveways right next to each other, plus maybe a thirty and fourth from the houses that are already there. There has to be a least a lot's width between the two new interior lots, unless they are sharing a driveway which they can do, under this regulations, so that is the intent of paragraph J.
- K. The Town Plan and Zoning Commission may require that slope rights on an adjacent frontage lot which is under the control of the applicant be provided to accommodate driveway construction, and that a proposed interior lot share a common driveway with an adjacent frontage lot under the control of the applicant when appropriate.
This was from the previous regulation.
- L. The required Special Permit must be obtained before the property owner may submit an application for subdivision approval of an interior lot.
So in other words, they come to you for the special permit first, and then come back next month for the subdivision approval. Now.....

Chairman Aieta: You couldn't run them concurrently?

Craig Minor: You probably could and frankly, I don't know why I suggested this. I might have found it in some other town. We probably could do it concurrently, and if I could think of why I suggested this in the first place, I'll come back and let you know, but let's take out L. Then Section 6.7 just indicates that interior lot are allowed.

Chairman Aieta: Any comments from the Commissioners, questions? I will open it up to the public. Anyone wishing to speak in favor of this application?

Alan Bongiovanni, 170 Barn Hill Lane, Newington: As the Chairman stated and as you all know, I have been doing subdivision and survey work in this town since 1978. I'm glad to see that the Commission is bring this back into the regulations. It was a sad day when it was taken out. I had three clients at the time, when they saw the notice in the paper were heartbroken because they had always planned on a daughter or son, or retirement funds coming from land that they already had. I think for the most part interior lots were very successful and it's an appropriate use of the land, especially when it is surrounded by a like zone, it is appropriate to do. Given the small size of our lots, the relatively small size, it's hard to double the setback. You have a 35 rear yard in the front house, you have a 35 in the new lot that you are creating, you will still have a 70 foot separation, which is significant. Most houses aren't up to the rear yard, so you have a significant space between the front house and the house that is being built. To double that requirement to a 70 foot setback and require a 105 foot minimum between the houses, the lots aren't that big. You are looking at an 18,000 square foot lot, where you are going to take double the front, and the rear yard, and you are going to take a 105 foot swath out of that property, that's not going to be good, so I think the Commission is on the right track leaving it as a 35 foot setback. Lastly I think you can do this in one session, why burden the public and the Commission making them come back for the same issue. Thank you.

John Bachand, 56 Maple Hill Avenue: I really don't just like to hear myself talk, but this is another one that I have a direct, will directly impact me. I have a 600 plus foot depth lot there on Maple Hill.

Chairman Aieta: You have a lot of neighbors there that have the same depth.

John Bachand: A few left, but Packard's Way got rid of a few of them. I have a few technical questions that I can ask the Planner later, but I do hope that you keep it open one more week so that I do have a chance to ask to ask some questions and get some answers. I have a couple, the first is, the front yard setback, I guess I agree with Mr. Bongiovanni. I was going to suggest something like one and a half times, or a floating thing, based on the depth. If they have plenty of depth, then you could encourage them to go a little further back, I thought the intention is good, but again, I wouldn't want to limit the availability. Does the twenty foot right of way, is that in addition to the eighty feet, or can it be part of the eighty feet.

Chairman Aieta: It would be in addition to the eighty feet I believe.

Craig Minor: Well, when you say 80 feet.....

Chairman Aieta: The frontage, the frontage for an R-12 Zone is 80 feet. So he's saying, if you had the frontage of 80 feet, can you use twenty of that for the driveway, and I don't believe that is the intent of the regulation. It would be in addition.

Craig Minor: Right, you would have to have 100 feet to start with.

John Bachand: It didn't specify here, I did hear you mention it, and it sounded like that, but I don't see it written up here.

Craig Minor: Yes, each interior lot shall have an access way that has a continuous width of at least 20 feet which is owned in fee simple by the owner, so in other words, that twenty foot...

John Bachand: Okay, the first one, that no lot shall be subdivided into more than two interior lots, it says two interior lots, so maybe there is nothing that needs to be added to that, but that is in addition to the existing front lot I'm assuming.

Craig Minor: Right.

John Bachand: The driveway question, I asked this when we first brought this up, I thought to make it a little more less burdensome of the applicant, if the driveway was not pitched towards the road, the part that is pitched towards the rear, in other words, no runoff would go towards the street, that would not have to be paved. When you look at the 500 foot driveway it doesn't even mention paving, although it does mention the base, because some of the driveways are 200, 300, 400 feet long, you start paving that far.....

Commissioner Pane: John, I just want to clarify this, so basically you're saying bring the driveway, or the pavement just enough so that we're not going to get any silt running into the road, and then after that, as long as the base is in there, so that's not too much of a constraint on the residential people. Is that what you said?

John Bachand: You could get gravel down onto the road, there is one on Maple Hill Avenue now, it's a mess. The stone is on the sidewalk every single day down there. The whole driveway happens to be stone in that case, but I wouldn't expect you to allow no pavement until it broke the grade, maybe if someone had a long flat driveway something could be worked out. Just one suggestion because you are talking about a long driveway with a lot of paving. I think that is it for now.

Gail Budrejko, 21 Isabelle Terr: I'm just curious, I know that you said 76 and possibly less, but is there an idea, are they kind of equally spread out around town, or is there one particular area or neighborhood where there is a significant number because if they are all focused in one small part of the town, it could have an impact on the neighborhood in general. Just something to consider.

Craig Minor: I didn't print out the report that Mr. Daly made for me, but they are pretty randomly distributed throughout the town. They are not clustered in one place, but I will have a more complete answer when we continue the hearing next time.

Commissioner Sobieski moved to continue Petition 19-16 as a public hearing for next meeting. The motion was seconded by Commissioner Miner. The vote was unanimously in favor of the motion, with six voting YEA.

D. Petition 27-16: Special Permit (Section 6.2.4: Freestanding Sign at 109 Stamm Road. Sign Pro Inc., applicant, Lot 5 Styles Avenue LLC, owner; Robert Kuszpa, Sign Pro., 60 Westfield Drive, Plantsville CT, contact.

Robert Kuszpa, 60 Westfield Drive: We're just proposing a simple sign for the property. There are two tenants on the property. Each tenant is going to get ten square feet, with a five foot square panel on top for the address. We faced it on the property, it's angled a bit because it is on a dead end street so we placed it so that you can see it coming into the area. There really isn't much sense to see it going back out again. The size of the sign leave them some area for a wall sign.

Chairman Aieta: You kept it back from the sight lines, getting in and out of the property?

Robert Kuszpa: Yes. I don't think there is any intention of lighting.

Chairman Aieta: Any questions from the Commissioners? Seems pretty cut and dried. It's on Stamm Road, it's an industrial park. Anyone from the public wishing to speak in favor of this application? Anyone wishing to speak against?

Commissioner Pane moved that Petition 27-16 be closed. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Commissioner Pane also moved that Petition 27-16 be moved to Old Business for action tonight. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

VII. APPROVAL OF MINUTES

A. Regular Meeting of May 25, 2016

Commissioner Sobieski moved to accept the minutes of the Regular Meeting of May 25, 2016. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YES.

B. Special Meeting of June 6, 2016

Commissioner Sobieski moved to accept the minutes of the Special Meeting of June 6, 2016, The motion was seconded by Commissioner Strong.

Commissioner Pane: I would just like to thank Norine for all of the work on those minutes. You did a wonderful job, thank you.

Commissioner Sobieski: I would also like to thank Norine, she did a fantastic job.

The vote was unanimously in favor of the motion, with six voting YES.

VIII. NEW BUSINESS

A. Petition 24-16: Site Plan Approval at 131 Summit Street. 131 Summit Street LLC, owner; Dan Pizzoferrato, 308 Alumni Road, Newington CT, applicant/contact.

Commissioner Sobieski recused himself from Petition 24-16.

Craig Minor: The application was kept open for a couple of issues that the Commission was concerned about, screening from view from the home owner across the street, as well as to

the south also, and the applicant was asked to consider putting a gate across the front also. I guess he is going to discuss those two issues.

Dan Pizzoferrato: I'm the owner and applicant from 131 Summit Street, and this evening I have with me Joe Urso who is one of the engineers working on this project.

Joe Urso: Registered engineer in the State of Connecticut here tonight representing Dan Pizzoferrato, the owner. Regarding the gate, we feel that the owner does not intent to use this outdoor area for storage, it's intended to be an indoor storage facility. We feel if we were the residents across the street looking from that perspective, a gate would not look like, this is a residential zone, and we feel that the arborvitae and the berm and brand new pavement and entrance would comply with the residential feel. We're trying to make it fit in with the area, picture it five or ten years from now, the gate may be fading or maybe rickety, and we feel that looking from a residential perspective we feel that a gate would not fit in the area. We would ensure that there is no outdoor storage in this area, it's an indoor storage facility and the owner would not rent to an outdoor storage type tenant. So based on that, that is our answer to that comment.

Chairman Aieta: How far from the entrance is it to the front of the building? How many feet is it.

Joe Urso: Probably over one hundred feet.

Chairman Aieta: And when you look in, it's pretty much going to be the width of an entrance way, a driveway?

Joe Urso: Yes.

Chairman Aieta: So you would be looking at the front of the building. Are there plantings in front of the building?

Joe Urso: No, there would be screening and the berm.

Chairman Aieta: A hundred feet is a pretty good distance from the property line. Any questions for the applicant from the Commissioners?

Commissioner Miner: I think the only question that came up last time was on the side wall packs?

Joe Urso: Yes, what we did was we provided foot candles for all of the wall packs.

Chairman Aieta: Any comments from the staff?

Craig Minor: The engineer has reviewed the plans and is often the case he has some last minute details that he needs to work out with the engineer, but the engineer is in favor of the approval based on this final review.

Commissioner Pane moved Petition 24-16 to Old Business for action tonight. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with five voting YEA.

B. Petition 25-16: Site Plan Modification at 136 Rockwell Road, Perlini Enterprises, LLC owner, Ernest Perlini, applicant, Alan Bongiovanni, 170 Pane Road, Newington CT contact.

Alan Bongiovanni: For the record, Alan Bongiovanni, 170 Pane Road, Newington. I was here and made a presentation at the last meeting. There were a couple outstanding issues, one, how this project was going to address your LID requirements. Since the last meeting we had the opportunity to work with the Town Engineer. The loading docks, the right hand side of the building, the darker shaded portion is the new addition, and in the center of those loading docks is a catch basin and at that location we incorporated a storm septic MC901, nine hundred gallon separator unit, to clean any storm water that exits the site from the parking lot and below that, down stream from that we have taken the roof water, which is clean and incorporated that into the storm drainage system as well. So I think the Town Engineer, verbally stated to me, I haven't got it in writing, that this meets the requirements and subject to his final review, he is satisfied with our proposal. The last thing, if you go back to that plan, is questions raised about the curbing, so we modified the plan. At the end of the parking lot, the heavy lines there, that would represent all of the areas that would receive extreme concrete curbing, so in conformance with the regulations.

Chairman Aieta: And that is pretty much there in the Industrial Park?

Alan Bongiovanni: No, for the most part a lot of them are bituminous, this project was all bituminous. I think this was more the Berlin Turnpike regulations where this started, this will be (unable to understand.)

Chairman Aieta: Any questions?

Commissioner Pane moved to move Petition 25-16 to Old Business for action tonight. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

C. Petition 31-16: Site Plan Modification at 300 Alumni Road. Top Gun CT Realty, LLC owner/applicant, Scott Graczyk, 300 Alumni Road, Newington CT, contact.

Alan Bongiovanni: For the record, Alan Bongiovanni, 170 Pane Road and I have with me Scott Graczyk, 300 Alumni Road, CT Skating Center LLC and Top Gun Ct. LLC. The plan that was originally submitted to did not incorporate all of the drains for the LID requirements. What I am handing out right now is something that we just had the opportunity to work on with the Town Engineer, and that is what we have up on the TV screen in front of you, basically showing an underground detention system that will take the storm water from the roof, bring it underground, meter it out so we don't have any runoff, it will allow interface with the rocks so you get treatment of the airborne particles and also will improve the water (not clear.)

Chairman Aieta: Why don't you just explain what the proposed addition is for.

Alan Bongiovanni: the proposal here is to add a 7,200 square foot addition to the southeast corner of the site that is in the skating center that I'm sure you are all familiar with. It was built in about 1999, 2000. As time passes, the sport changes, things evolve and there is a need to create a small private skating area for the facility for a couple of reasons. One, you have the elite skater that looks for the private times so that, for these things to be successful you have

some marquee skaters there to attract other people too. The other portion is the very, very young skaters. To get them on a more appropriate scale piece of ice as opposed to being on a large, full size rink, this is a desirable solution for them. Although we are adding space to this, we're putting in an additional rink, it is not anticipated that this will generate a significant amount of new traffic. It will enhance the services and the facilities so that they can maintain what they have and maybe attract a few more of the elite skaters. Quite often they will have shows in there, and there is no place for the younger kids sitting in the bleachers waiting, and this is an opportunity to capture that segment of the market.

This site plan was approved with 199 parking spaces, there were 56 or 58 deferred, there has never been a need to build them. As we know, this is on the north side of Memorial Road, the VA hospital has a huge expansion parking to the south, every day of the week, the VA hospital almost fills this parking lot with overflow, which is nice because we don't compete with them, but on the off hours, and the few times when there are tournaments and things, we use their parking. This is, the manager of the facility, as you know, it's the United States of America, it's tough to get one person to sign a letter saying, yeah, we have an agreement, but they do have an agreement. That letter is forthcoming. Any questions from the Commissioners?

Commissioner Sobieski: Looking here, I see the CL&P easement here where you are going to be putting the drainage in. Is that going to affect the easement?

Alan Bongiovanni: The easement will have to be reconfigured. There is service, the main service in the building, is in that location, we are going to have to work with CL&P to relocate the transformer and trunk.

Commissioner Sobieski: So it would be less than ten feet wide.

Alan Bongiovanni: I think it's going to be the same width. It's going to stop when it hits the face of the new addition. The transformer may go in that corner there.

Commissioner Sobieski: Where is it located now?

Alan Bongiovanni: It's in the upper left corner, the dark square.

Commissioner Sobieski: The other question I have, aren't we pretty close to the back property line, we are only six feet off of this.

Alan Bongiovanni: Actually we did receive a variance from the Zoning Board of Appeals for side yard and front yard setbacks to accommodate this addition.

Chairman Aieta: What is next door?

Alan Bongiovanni: That is a pavement maintenance company, actually the applicant that was sitting here, Mr. Pizzoferrato, that is his business. The rear portion I think is (unknown)

Chairman Aieta: Any other questions from the Commissioners? Town Planner?

Craig Minor: I'm glad you brought up the issue of the reciprocal parking agreement, you do plan on getting a letter?

Scott Graczyk: Yes, I spoke to Ross Hillman who is the executive director of that facility, and again, we have a verbal agreement that has been in existence for over four years. I

approached him about the approval on the setback changes, and I asked him to put it in writing, and he agreed to do so, but he has since come back to me, and said, I'm still moving along on that, but I have to go up the chain of command to get, I just can't do it myself. I was hoping that I would have the physical letter today, and I do fully intend to have him give me that letter, it's just a matter of time.

Craig Minor: One other thing, I was out there the other day and I noticed all of the parking space, the paint has faded away, there are like no stripes visible any more which makes it hard to know exactly where your parking space is, which tend to lead to inefficient parking, so I'm not going to make it a condition of approval, but I think you need to go out and re-stripe them.

Chairman Aieta: I think it would be incumbent on the VA to get an agreement with you, seeing that they are getting the better benefit of the parking than you are.

Scott Graczyk: Quite candidly, I've never used their parking, I've never had events that are that large that I haven't been able to handle the parking on my own. It's really been, especially with the construction their use.

Commissioner Pane: I think this is an excellent project, I think they have covered everything. I like the fact that they have been sharing parking and it's been successful, there have been no problems. Haven't heard of anything, and I think this is fantastic for the skating rink.

Commissioner Pane moved to move Petition 31-16 to Old Business for action tonight. The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

IX. OLD BUSINESS

A. Petition 10-16: Zoning Text Amendment (Section 6.15: Low Impact Development) Town Plan and Zoning Commission, applicant.

Chairman Aieta: What does the Conservation Commission have on this? I thought I saw it on their agenda. Explain what their involvement is?

Craig Minor: I'll try, but I'm not sure, but it doesn't really affect ours. When the zoning regulations, the LID regulations from the Zoning Commission were adopted a couple of years ago, at that same time, the Wetland Regulations were modified also, but because the Wetland regulations, any modification to the Wetland Regs has to be approved by the Town Council, it got held up for some reason, and it's been held up ever since and I think it's because the Conservation Commission knew that you had second thoughts about the regulation, pretty much from day one, and I think they have been waiting for you to see exactly what you wanted the LID regulations to be before they then adopted their mirror LID regulations.

Commissioner Miner moved to approve Petition 10-16: Zoning Text Amendment Section 6.15; (Low Impact Development) Town Plan and Zoning Commission applicant.

CONDITIONS:

1. Effective upon publication.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

B. Petition 26-16: Site Plan Modification at 75 Rockwell Road. Solid Rock Realty LLC, owner, Lynn Welding applicant, Alan Bongiovanni, 170 Pane Road, Newington CT, contact.

Commissioner Pane moved to approve, Petition 26-16: Site Plan Modification at 75 Rockwell Road. Solid Rock Realty LLC, owner, Lynn Welding, applicant; Alan Bongiovanni, 170 Pane Road, Newington CT, contact.

CONDITIONS:

1. None.

The motion was seconded by Commissioner Strong. The vote was unanimously in favor of the motion, with six voting YEA.

C. Alumni Road Traffic Signal

Commissioner Pane: Stan and I are working on this and we're trying to put together a packet for the Council, several different items, and we need some additional time to get everything put together so we can present it to TPZ to see if you agree with everything before we send it to the Town Council, so we needed some additional time, but we're working on it. We're analyzing the minutes that came in, we're analyzing the minutes and we are trying to re-look at the plan to see if any of the comments from the residents can be applied to the new plan, so we're working on that, so we will have something for you.

Commissioner Sobieski: We're basically looking to see if their suggestions can be worked in. We will leave this continually on Old Business, and we will touch base at the next meeting, and if you need more time, we will continue it under Old Business.

Petition 24-16

**Site Plan Approval at 131 Summit Street
131 Summit Street LLC, owner; Dan Pizzoferrato, 308 Alumni Road, Newington CT, applicant/contact**

Commissioner Miner moved to approve, with conditions, Petition 24-16: Site Plan Approval at 131 Summit Street. 131 Summit Street LLC, owner; Dan Pizzoferrato, 308 Alumni Road, Newington CT, applicant/contact.

CONDITIONS:

1. The recording mylar will not be endorsed by the TPZ Chairman until the Town Engineer is satisfied that the drainage design complies with the LID regulations.

The motion was seconded by Commissioner Pane. The vote was in favor of the motion, with five voting YEA (Commissioner Sobieski recused.)

Petition 25-16

**Site Plan Modification at 136 Rockwell Road
Perlini Enterprises LLC, owner, Ernest Perlini, applicant; Alan Bongiovanni, 170 Pane Road, Newington CT, contact.**

Commissioner Miner moved to approve, with conditions, Petition 25-16: Site Plan Modifications at 136 Rockwell Road. Perlini Enterprises LLC, owner, Ernest Perlini, applicant; Alan Bongiovanni, 170 Pane Road, Newington, CT, contact.

CONDITIONS:

1. The recording mylar will not be endorsed by the TPZ Chairman until the Town Engineer is satisfied that the drainage design complies with the LID regulations.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

Petition 31-16

Site Plan Modification at 300 Alumni Road

Top Gun CT Realty LLC, owner/applicant; Scott Graczyk, 300 Alumni Road, Newington CT, contact.

Commissioner Miner moved to approve, with conditions, Petition 31-16: Site Plan Modification at 300 Alumni Road. Top Gun CT Realty LLC, owner/applicant, Scott Graczyk, 300 Alumni Road, Newington CT, contact.

CONDITIONS:

1. The recording mylar will not be endorsed by the TPZ Chairman until the Town Engineer is satisfied that the drainage design complies with the LID regulations.

Chairman Aieta: Do you want to put in there the letter from the VA? Do you want to put that in there?

2. A written parking with the Federal VA must be furnished and on file prior to approval.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with six voting YEA.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 28-16: Zoning Text Amendment (Section 3.0: Higher Density Residential Development Moratorium.) Town Plan and Zoning Commission, applicant.

Craig Minor: Last year the Planning and Zoning Commission adopted a moratorium on multi-family residential development in the Newington Junction area but also the Cedar Street Station. Because the Commission wanted to adopt regulations before we were presented with an application that we would have to accept because it met the regulations at the time, so for that we put a moratorium on it. That moratorium actually expired last week. I haven't been inundated with applications, and we are in the process of adopting TOD regs for Newington Junction. We will talk about that next, but in the mean time, we are vulnerable to someone coming in with a multi-family application, so this is a process to basically extend the moratorium. There will be a break, and the process to establish the moratorium needs to have the same public hearing as we had the first time, but this is what we need to extend the moratorium for Newington Junction.

Chairman Aieta: Since we have the break, if someone came in and asked for something under the regulations for high density housing we could always tell them that we are extending the moratorium and that would suffice.

Craig Minor: Right, because we don't have to have the public hearing on this application for sixty-five days anyway. So, by the time, so if they submitted an application under the current rules, by the time that we got around to actually having a hearing on it, there would be new rules in effect. Now, they would still be able to go under the old rules, but I think they would find that the new rules are beneficial anyway, more flexible than the current rules.

Chairman Aieta: So we are putting this on.....

Craig Minor: The next meeting, July 13th.

Chairman Aieta: What else do you have on that agenda?

Craig Minor: We have a new site plan, an industrial building, but that's it.

Chairman Aieta: Okay, we will put that on the agenda.

XI. TOWN PLANNER REPORT

A. Town Planner Report for June 22, 2016

Craig Minor: The first item on my report is the draft, Newington Junction TOD regulations. It was in your packet. What I did was, I took the TOD regulations that we adopted for the Cedar Street station, and modified because obviously Newington Junction is quite different from Cedar Street. There is very little residential in the Cedar Street neighborhood. The kind of development that we want to see in one area is very different from the other, so what I did was, basically, ultimately what you are seeing here is the Cedar Street Station regs, but I added some additional language or changed some language to be appropriate for Newington Junction, such as, under the Section of General Rules or General information I added a new paragraph which says: the Newington Junction TOD Overlay District is approximately bounded on the north by the West Hartford municipal boundary, on the west by West Hartford Road and Fenn Road, and on the east by Francis Avenue and Day Street, and on the south by Chapman Street and Fennwood Circle.

Chairman Aieta: I don't think it's Fenn Road is it?
It's West Hill Road and Willard Avenue.

Craig Minor: No, much further. A half mile goes further than that.

Chairman Aieta: It goes all the way to Fenn Road? That's the half mile radius that you are talking about. Okay.

Craig Minor: I wanted to run this by you first as a sanity check, make sure I'm on the same wave length as you folks, and if it is essentially what you had in mind, then we can have a public hearing. I wanted to run it by you first before having a public hearing and embarrassing myself on something that was dead on arrival with you folks, so.....

Commissioner Pane: I think it's generally good. I just hate to comment on any of it since it is going to Public Hearing.

Craig Minor: Don't feel that you can't because it is certainly appropriate for you to give me better instructions on how you want the regulations to be drafted. I'm sure there are going to be some minor changes but we have a good starting point here.

Commissioner Sobieski: Mr. Planner, I would suggest since this is a heavily residential area that we reduce this is a quarter of a mile around that station. You do have a lot of residential areas around there.

Craig Minor: The reason people who talk about TOD use the half mile is because that is the distance people comfortably walk, and there is no reason to use a different distance because people in that neighborhood are less likely to walk than anywhere else. Now there are unusual things about the fact that's a half mile as a person walks, from the station to the first building on Francis Avenue because of the fact that you walk south on Willard and then up Francis, you're walking a half mile before you even get to a house. So, as we talk about this, as we have the hearing, we might actually want to, I may end up recommending that we limit it to just west of Willard because nobody lives within a half mile walking in your neighborhood. You are all more than a half mile walking. As the crow flies, you are a quarter mile, but as the person walks, it's a half mile, and you can't even get there. I took some pictures today of Francis and there's, as the people who live in the area know, there is no sidewalk. It's just not a pedestrian friendly neighborhood at all.

Chairman Aieta: We don't have to make this a circle half mile radius. We can do what we did over on Fenn road. We modified that and made an irregular shape. We can do whatever we want.

Commissioner Sobieski: You are correct. What I was concerned with was when people see the circle with the dot in the circle around it, as the Planner just said, you have to walk up, down, and around, it's not conducive for someone walking there, but if you are going the other way, again, you are dealing with a lot of residential areas. That's all I'm saying.

Chairman Aieta: We don't have to include those residential areas in that half mile because we didn't make that area, that was an irregular shape. We might want to take some of those residential areas out of that. Carve it out. The areas that we are talking about for development there are pretty much south or north of the station along Willard Avenue to the West Hartford line on both sides of the street. That is what we are going to be looking at. There are residential properties there too so we have to be very careful what we do there.

Commissioner Sobieski: Some of those are in the Willard Avenue overlay zone too. Some of those, I'm not sure if they are historical or not, but they are up there in age.

Craig Minor: There actually are a couple of historical homes there.

Commissioner Sobieski: So that would also have to be taken into consideration. I can't remember the regulation on historical housing, but I know there are some serious regulations.

Craig Minor: Actually those regulations have no affect, those regulations have an impact if somebody is, if a government agency is doing a project on historic housing. The rules on protecting historical structures do not apply to the owner, it only applies to the government, so although you are right that we should be aware of the fact that there are historical structures in that neighborhood, legally it makes no difference.

Commissioner Sobieski: I guess what I'm still a little confused about is that anybody that goes in there looking for state or federal funds.....

Craig Minor: No, not necessarily, not at all.

Commissioner Miner: They could be I guess.

Commissioner Sobieski: I thought from Senate Bill 19, they were looking to fund development. I could be wrong on this, but I seem to remember that there was something in there about the funding mechanism and they were taking, but I thought they were going to take G.Fox parking garage, after they spent a couple of million dollars grading it up, using that revenue to fund the TOD. That was my impression.

Craig Minor: I'm looking at something that is market driven. The regulations that I am creating will encourage the kind of private development that we think is appropriate for that area of town, and if there is some government project somewhere waiting in the wings, but what I'm proposing is what the market wants to do, control of it so it doesn't run wild, but also take advantage of what the market wants to do.

Chairman Aieta: I think that is what we did on Fenn Road.

Commissioner Pane: Will we get copies, like a Google map, I thinking, if that is possible.

Craig Minor: This is what our GIS department made for me, it's color coded to show the zones, so what would you like, how would you like me to enhance this.

Commissioner Pane: That would be fine and if we could have, like aerial photographs...

Craig Minor: Yes they could superimpose an aerial photograph on this.

Chairman Aieta: I think this is a good start.

Craig Minor: What do you want to do with the draft? Talk about it some more, discuss it at your next meeting?

Chairman Aieta: I think we should move it.

Craig Minor: Okay, I'll schedule it for the next available public hearing. The next item is the Open Space Zone, almost a year ago and it got put on the back burner. I looked at a lot of towns, and I found a pretty good template from Avon for us to use here in Newington. This would be a new section 3.22 Uses Permitted in OS (Open Space) Zone. There are words in here that I thought, in my mind, to define the kind of open space that we are talking about. Some is arbitrary, the five acres, that is arbitrary, but this is my suggestion, what I am proposing to the Commission.

Any undeveloped parcel of at least five acres either publicly or privately owned may be zoned as Open Space.

In Open Space Zones, land and buildings may be used and buildings may be altered or erected to be used for the following purposes and no other:

3.22.1 Planting and cultivation of any crop including flowers, fruit, vegetables, forestry, nurseries and field crops whether for personal or commercial purposes.

3.22.2 Municipal or private playgrounds, recreation areas and parks.

3.22.3 Passive recreation in residential developments, and by that I mean ball fields, playground, playscapes.

3.22.4 As an accessory use, educational activities accessory and incidental to any of the above permitted uses. So in other words, if a non-profit organization wanted to build a cabin to use as a classroom to conduct classes in nature and wildlife, that would be allowed as an accessory use.

Section 3.23 Special Exceptions Permitted in OS (Open Space) Zones

The following uses are declared to possess such special characteristics that each must be considered a special exception. They may be permitted by the Commission subject to the following conditions, and the provisions of Section 5.2 and 5.3.

3.23.1 Golf courses

I started this with the expectation of coming up with a whole bunch of things that are probably reasonably allowable in an open space zone, but only with the permission of the Planning and Zoning Commission, but then I only came up with one that I thought was allowable, but should get your permission first. The previous things were all as of right, they don't need to come to you for permission to have a farm or a playground, or passive recreation, but they would have to come to you for a golf course or anything else that the Commission could think of, such as a cemetery, which I'm not really suggesting, but any other open space type of activity that the Commission wants to be able to have some say over. So that is it. If you noticed, at the beginning I said any undeveloped parcel of at least five acres, either publicly or privately owned, may be zoned as open space. So in other words, if for some reason there is a ten acre parcel that the owner, whether it is the Town or a private individual had some good reason for not wanting it to be zoned open space, and they were able to convince you that they had a good reason for it not being open space, it would not have to be. So we're not saying that everything must be open space zoned if it is five acres and undeveloped, but if somebody does have a parcel that is five acres undeveloped and they have no objection to having it be zoned open space, because their taxes would go down, and they have no intention of ever developing it, why wouldn't they want their taxes to be reduced, so someone may petition you to have their property rezoned as open space, and of course, you can always, on your own authority change someone's zone with or without their permission. You don't do that lightly obviously, but you do have the authority to change the zone of someone's property, either privately or publicly owned if, you have to go through the process, but it's up to you.

Chairman Aieta: Is there anyway to identify the parcels that are five acres?

Craig Minor: Yes, sure.

Chairman Aieta: Then we could look at that and see exactly what we are talking about. This is not, when we brought up in the past about underlying zones, this has nothing to do with that.

Craig Minor: Right. This will be the zone that that parcel is in. Just like we have R-12....

Commissioner Pane: So this doesn't correct the problem that we have, that you talked about, the whole reason that we wanted to talk about open space is to correct the underlying zones on pieces of property that the town owns.

Chairman Aieta: A good example, the Young Farm, that is zoned, R-20 zone. We were trying to make that, take that piece of property and eliminate the underlying zone so no one could ever go in there and build houses on it.

Craig Minor: Well, if you adopt this, and you change the zone of the Deming-Young Farm to Open Space Zone, the Town, as you know is not subject to zoning, so that doesn't stop the town from doing whatever they want, but if the Town ever sold that land, to a private developer, the private developer would not be able to, because it is zoned Open Space. So, you are right, it doesn't tie the town's hands, because you can't. The Town is exempt from zoning, but any parcel that the Town currently owns, the minute it no longer owns it, if it is zoned Open Space, would be subject to these restrictions.

Chairman Aieta: Another example would be Indian Hill Golf Course, that is zoned residential. We would probably want to change that to an Open Space Zone.

Craig Minor: Right.

Chairman Aieta: We are trying to eliminate the underlying zone on parcels so that no one could come in and start using these open spaces as buildings.

Craig Minor: I think morally, psychologically, it would be harder for a Town Council to develop a piece of land that is zoned Open Space, if it was zoned R-12, why is that bad, but if it is zoned Open Space, and they try to put a building there, I think this would help some psychological effect.

Chairman Aieta: So it does get to the thing that I brought up in the past, where I was concerned about the underlying zones. You are going to identify those parcels.

Commissioner Pane: Basically if this was approved, the Town would have to put in an application to change the zone of that one parcel, or any parcel that you wanted to, after this was adopted.

Craig Minor: Well what would happen is just like the TOD regulations, when we adopted it, you didn't notice it, or maybe you did, at the same time that we adopted the regulation, we also amended the zoning map, so by the same token, when we adopt this regulation and within a few months, we would adopt a map showing where these zones are, but it doesn't have to be done at the same moment.

Chairman Aieta: We have an open space Committee. Is this something that they would use?

Craig Minor: Well, I can't say because they themselves are coming up with a definition of open space for their purposes, and we didn't have a meeting last month because there wasn't a quorum, so the committee didn't make any progress in coming up with their own definition of open space. I know that they are very happy to hear that TPZ is doing this, but they might, in fact I'm pretty sure that they will, let me just say they are coming up with their own definition of open space for their purposes, which might or might not be exactly the same as yours.

Commissioner Miner: Wouldn't it make sense to work in tandem with them, or to work on it moving forward. It seems odd that one definition.....

Craig Minor: Well, I'll tell you why you might actually end up with different definitions of open space. One of the things that the open space committee is focusing on is town owned open space and they are certainly aware of privately owned open space, but I think a lot of their thought and effort are focused on town owned open space. So they might, and I'm speaking out of school here, they might end up with a definition that for their purposes open space means town owned passive open space. In which case, they would have a definition that is slightly different from yours. They wouldn't be in conflict, but they would be different, because you have different objectives.

Commissioner Miner: By definition, theirs would be listed as (inaudible) zones, no different than saying that, their definition could be the same or still different.

Craig Minor: Or the five acres, they may decide that, because they are a small committee with no budget, they may not be able to look at small, they may decide it has to be a ten acre threshold for them to be concerned with it, I'm just making that up, but they might end up with a different definition.

Commissioner Pane: You brought up the point on the five acres. I'm wondering if we should even say five acres, or whether or not it should just be any parcel, because now you are giving up the opportunity, if there was one acre parcels or two acre pieces that tied into the trail system, and we wanted to try to get that piece, then we would be prohibited from getting it, so I wouldn't set a five acre limit on it. I would have it as just any vacant, any undeveloped parcels.

Commissioner Sobieski: I agree with Commissioner Pane. I think that is a good idea. You do have small parks in the area and it could be on the trail system.

Craig Minor: You're talking about getting, you're not getting anything. You are just zoning, regulating what uses can go on that property.

Chairman Aieta: I want to see what parcels we are talking about. I don't want to just arbitrarily zone it.

Craig Minor: Well you wouldn't. That is why I used the word, may.

Commissioner Pane: You're really not changing it, you are creating the regulation and you may use this regulation for town owned properties, but you're really not changing anybody's private property.

Craig Minor: Well, we could.

Commissioner Pane: You could, you may, but it would have to be in conjunction with some sort of plan that you thought was fair in that one neighborhood or whatever. You can't just spot, pick one, two isolated pieces and say, hey, we're going to make that open space, this open space, and that open space. I don't think you can do that.

Craig Minor: But what is there is a privately owned piece of open space right next to the golf course for example. You would probably want that privately owned open space parcel to be part of this larger zone, I'm making this up, or the owner might even come to you and say, I'm worried about my heirs selling the farm and subdividing it, so I want it to be zoned open space to make it hard for my kids to subdivide it. I want it to be a trail, because I'm a nature buff.

Commissioner Miner: What makes this any different than spot zoning?

Craig Minor: Well, we haven't said where it is going to be yet.

Commissioner Miner: Right, but if there is one parcel here and one parcel over there, and one parcel over there.....

Craig Minor: Well that would be, and that would be illegal. But there is no reason to assume that we would abuse this regulation.

Commissioner Sobieski: Could we not have a floating zone?

Craig Minor: The problem with that is the underlying things are allowed in a floating zone, so it wouldn't prohibit someone from putting a house there or a commercial building.

Chairman Aieta: I'm concerned about the private property owners and their property and (unable to hear) and it's ten acres and he wants to develop it and we go in and say, no, it's got to be open space. There has to be some process there for people who own property.

Commissioner Pane: I have to wonder is this is to be used strictly for town owned property, and open space that the Town Council has determined is open space. In other words, they are the ones that are buying the open space, so I have to wonder.....

Chairman Aieta: If I had a piece of five acres and in a residential zone and they determined that they wanted to make that open space, they would have to come to me and buy that piece of property from me, they just can't, I wouldn't let them arbitrarily just say, we're going to zone this open space, and I still own it, and pay the taxes on it, even at a reduced rate. What good would that be for me? I would have a real problem with that. I would fight that on constitutional grounds.

Craig Minor: Right, so it is highly unlikely that this Commission would ever change somebody's land to zoning against their will, but if the definition doesn't include the phrase privately owned, then you wouldn't be able to, even if the owner asked you to. So the definition should say both, but.....

Commissioner Miner: If I have a property that I still want to maintain the deed to, but I want the Town of Newington to enjoy the benefits of quote unquote open space, then there should be a memorandum of understanding or something in place that, that to me is the safe way to handle it, is to go, the Town has to be acting on behalf of the open space. The person would still hold the property, but I have a memorandum of understanding that I, as the Town will only maintain this property for a period of X amount of time for the exclusive rights of open space.

Craig Minor: Okay, and what is the scenario that the owner would get that agreement from the Town, before coming to you for the zone change?

Commissioner Miner: It would be something to be brought up to the Council as open space, that that type of an agreement would be something feasible.

Craig Minor: Okay, but you are saying that that should be a requirement?

Commissioner Miner: I think that is the only way around the private part of it.

Craig Minor: But there is nothing to get around. Again, I say never, you would never take someone's farm who didn't want you to zone it open space and change the zone on them, but on the other hand, someone with a farm, like I said, who is worried that his kids are going to subdivide it as soon as he dies, could come to you and say, I want you to change, I'm spending my \$500 for a map amendment to rezone my land from R-20 to Open Space. You wouldn't be able to do that if you take the words privately owned out of the definition.

Commissioner Miner: If you were operating under an agreement.....

Craig Minor: You will wouldn't be able to, it's still privately owned. So you say, write this complicated, or an agreement with the town, why not just leave it privately owned and then you don't have to have a third party agreement with the town who maybe wouldn't agree to that. Maybe the town would say, have a manager at the time who doesn't want a third party agreement.

Chairman Aieta: You have to make it where the privately owned would have to initiate.....

Craig Minor: Okay, at the request of the owner.

Chairman Aieta: I don't want, we're sitting here saying yeah, yeah, yeah but I saw a Commission take stuff out of the regulations that they shouldn't have, a whole bunch of stuff, I'm not going to be sitting here forever, these people aren't, but there are going to be different people sitting here and we have to make sure that they understand what our intent was. The private property owner should initiate the zone change for open space. The town can't go in and say, oh Frank, you have a nice piece of property, I'd like it to stay like this forever, okay that would be fine with me if they bought it from me, but just to say, we are going to designate this as open space and let me own it. I don't think so. That can't apply. They would have to initiate the change.

Craig Minor: Okay, that's good. Do you want me to reword it and bring it back next week?

Commissioner Miner: Again, what makes this any different than spot zoning?

Craig Minor: You are jumping ahead. We haven't talked about any specific piece of land. We haven't talked about a map amendment yet, we're just talking about creating a regulation.

Chairman Aieta: I think that with the wording about the private property, but as far as the town's piece of property if they want to designate their property as open space, I think we are all in favor of that. I'm in favor of eliminating the underlying zones so that at some point, property changes hands into the private sector, that we're not getting someone building 800 houses on Indian Hill.

Craig Minor: Indian Hill is, I'm guessing one parcel, and if we change Indian Hill to open space, it's one parcel, but it's not spot zoning, because the definition of spot zoning is complicated, so that wouldn't be spot zoning, even though it is just one parcel. Spot zoning is on a case by case basis.

Commissioner Pane: And it can never go back, so once you remove that zone, the underlying zone, and you call it open space, you can't revert back to whatever it was.

Craig Minor: Not without coming to you for a map amendment. Fifty years from now, if you want to change Indian Hill to a minimum lot size of four acres, well, that you might be willing to consider.

Commissioner Pane: Would you want something in here that says once you change a piece of property, undeveloped property to the open space zone, you are basically removing the underlying zone, a clarification on it?

Craig Minor: I can add that.

The last item in my memo is giving you an update on some bicycle and pedestrian related things that I am working on. This road safety audit, I'm having a tough time finding a date that works for most people, but it's on the schedule for Thursday, the 14th. I'll be sending out an e-mail to people who have been invited to participate in this team to do this audit. If there are any questions, I'll be glad to answer them.

Craig Minor: I do want to brief the Commission on the conversation that I had with the Town Attorney yesterday about the Firestone/Modern Tire issue.

Commissioner Pane recused himself from the discussion.

Craig Minor: As the Commission knows when Modern Tire submitted that amendment to the Zoning Regs, it was pretty much in line with the direction that the Commission was going to go in anyway. So when Modern Tire withdrew the application, I think a lot of the Commissioners felt, well, let's just put our name on it, and run with it also. The judge in the case felt that would be a good idea. That would give closure to a couple of the issues that are kind of swirling around in the litigation between Modern Tire and Firestone, so, and our Attorney agreed also, that we should go ahead and adopt that regulation ourselves, maybe with slightly different wording, but basically to turn the clock back to once again allow, as of right, as a permitted use, auto related businesses in the areas of town. So I will have a draft for you, kind of like what I did for the zone changes.

Chairman Aieta: We need a better clarification from our Attorney on the non-conforming and conforming, try to get a better handle on it.

Craig Minor: Yes, we want to make it clear that any currently non-conforming auto related business will no longer be non-conforming, they will be conforming. They will be conforming, no more cloud over the, if they go to a bank to get a loan, oh, you're conforming or non-conforming, we will remove that cloud.

Chairman Aieta: He has some questions, so he needs to get back to you. We want to make sure it is upheld and we can start doing things without the fear of being challenged. We are doing this at the bequest of the courts. The court is asking us to move quicker than we were actually going to move. We wanted to wait, we basically wanted to wait until these cases were settled, maybe they will never be settled, and the judge is right. We should just take the bull by the horns.

Craig Minor: All right, I'll have a draft for you next week, and it will look a lot like Modern Tire. That's all I have.

XII. COMMUNICATIONS

CRCOG Zoning Reports to Berlin, Farmington, Hartford and West Hartford TPZ.

XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda, speakers limited to two minutes.)

Gail Budrejko, 21 Isabelle Terrace: It wasn't officially on your agenda, but I just wanted to comment on the Open Space. This all came about I think with the idea of building a community center on Mill Pond Park, when it was brought to everyone's attention that, well, how can you build in a park, well, the parks are zoned residential, so the, those of use who were concerned said, well, there has got to be a way, to in the future protect parks, for example, things that are currently believed, and used as open space, have to be protected, so again I agree with the suggestion that, instead of putting in acreage keep it as a parcel, because there are little neighborhood parks that we would want to be protected. If the open space committee as well either gets some kind of grant or recommends some kind of purchase. Allowing usage of a public park is what is basically driving this. While we are talking about parks in general, I mean I can't remember what the regulation said, but what it said about structures, for example, Churchill Park, there are some structures there.....

Craig Minor: That's okay, you can have structures as an accessory to the activity itself.

Gail Budrejko: Again, we recognize that the Town can do what it wants, ultimately, but it would make those sitting in power at the time on the Council or the Zoning Commission maybe think twice about doing something with open space, it will protect what we have, but we recognize that ultimately it will not be able to (inaudible)

Rose Lyons, 46 Elton Drive: I agree with what Gail has been saying. I heard the discussion on Mill Pond Park, and I think this is going in the right direction. I have, in cleaning out, designation of town owned land, and state owned land, GIS information because I was trying to find out who owned the property behind my house, some of it is town land. There is a walking trail through that area, I'm just trying to think out of the box, well there is 6.5 acres behind me, but the State of Connecticut owns that, and then the Town of Newington starts with their property, and then going through that is what they call basically a (inaudible) going up to the Senior Center and up to St. Marys and up to the High School and things like that. I don't think they can build back there, I don't know what it is designated now, and I know that Frank Kowal, years ago tried to build back there, and it was denied because of the location, but I am just curious if this is a park area, and what it is being used for.

Craig Minor: We would have a list of uses that will be limited, the open space parcels would be limited to doing only what is on the list, farming, parks and playgrounds, passive recreation and then a special permit, golf courses.

Rose Lyons: Passive recreation would be trails....

Craig Minor: Yes.

Rose Lyons: And as you are discussing Newington Junction, I think also in the collection that I have, you had some maps done showing the streets, the name of the streets, the residences, and there has been talk about how people get notified of a public hearing. Facebook, as much as I don't like it, I watch it to see what people are complaining about, one of the things is that they don't know about public hearings. Well, they are in the newspaper.

"I don't get the newspaper." They are on the web site, they don't know where to go to get the information, so when you do the hearing on Newington Junction, on the regulations, just for clarification, will you put something in the Hartford Courant, there will be a sign-up.

Chairman Aieta: We will try to get the reporter to come and talk to the Planner and some of the Commission members and do a story that we are going to start looking at this, so that we get some publicity on it, an article and then will have the dates of the hearing so people will be aware. Other than that, in the public notices, it's really hard to get out to the public when these meeting are and what's, I hear what you are saying, it's very hard. On this Alumni Road, we went out 350 letters just so that we made sure that we had enough coverage. We can't do that on every application. We don't even have a budget. They gave us like three dollars and we have already spent two.

Rose Lyons: Quite honestly, like with the Save Mill Pond Park movement, Gail can attest to the fact that there were only a handful of us that went to the Town Hall meetings. There were articles in the paper, and then when it got to the point where there was going to be a public hearing, oh, I didn't know that was happening. I don't know where there head are, I know that there heads are in the Facebook pages, but because it wasn't on Facebook, it wasn't happening. I'll probably get blasted for this, but the fact of the matter is, there may be some legitimate complain about not knowing because it's not on Facebook.

Chairman Aieta: We don't use social media.

Craig Minor: Well, maybe the town should. There are towns that have Facebook pages because towns' know that that is where everybody is.

Rose Lyons: There is discussion on there now about an article from last year about how you adopted the moratorium on Newington Junction and how you, the committee was TPZ was thrilled that there was going to be a consultant, and I sat here and I thought that you didn't feel that you needed a consultant, that it was something you could do yourselves. So the Courant, the Rare Remind, the Town Crier, they all handled it differently. They all interpret things differently. Maybe I interpret things differently, but I think to get the word out there, and once again, you are going to discuss the regulations, have something, the maps, with all due respect Mr. Minor, the last time that we had that informational people thought they were coming to get information from you, and you wanted information, input from them, and it didn't work in my opinion. This is a hot topic, so whatever you can do to get it out there.

XIV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I took a ride with the new Town Manager, to look at the town owned detention/retention ponds and I showed her the one in back of Elizabeth Green and she was appalled. I also showed her some of the private ones, and she was going to sit down and schedule a meeting between Mr. Molloy and Mr. Greenwall about how and who is going to maintain the work. I also told her previously they used to have Ron Tramadeo go out and inspect the private ones, at least once a year, and those should still be looked at to be sure they are functioning. They were required to be put in, we want to make sure they are functioning correctly, whether it is a fault of engineering, or maintenance is to be determined. They need to be checked.

XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURNMENT

Commissioner Miner moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary